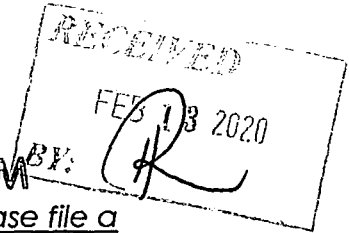


ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007
PHONE (602) 364-1PET (1738) FAX (602) 364-1039
VETBOARD.AZ.GOV



COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: FEB 13, 2020

Case Number: 20-75

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: DR SANDY LANDRY

Premise Name: BLUE PEARL

Premise Address: 9875 W PEORIA AVE

City: PEORIA State: AZ Zip Code: 85345

Telephone: (623) 499-9045

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: MICHAEL AND SHARON COON

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):

Name: DAEGAN COON

Breed/Species: DOBERMAN

Age: 9 Sex: NEUTERED MALE Color: BLACK/TAN

PATIENT INFORMATION (2):

Name: _____

Breed/Species: _____

Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

NONE -

This was an emergent situation, a gastric torsion.

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

Aston of Blue Pearl (we have no last name) represented herself as the medical director, and actually told me (Michael) that there was not a surgeon on duty, and that one had to be called in. I would not say she is a "witness" but completely and entirely aware of what took place. Please note, this information was given to us the Monday following the death of our dog.

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: _____

Date: _____

Michael Coon, [Signature]
2/12/2020

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

Please see attached for an in depth account, which outlines all allegations and concerns. We were asked to submit this outline to Blue Pearl's insurance company Zurich NA, which took 31 days to review, and they decided that Blue Pearl did nothing wrong.

I called Blue Pearl the morning after Daegan's death to speak with a medical director as I wanted to know why it took 4-1/2 hours to get my dog, with a gastric torsion, to surgery. I was given Brandy, CVT who stated there were no Dr.'s available to speak with, and that she had reviewed Daegan's file and was issuing a credit. I still wanted to know what took so long. Brandy's response was - prepping and stabilizing and that this length of time was within the norm. Again, no mention of a surgeon not being on the premises. The lie continued even with the CVT. She went over how everything was done correctly on their part and referred to my decision to euthanize Daegan - which was only made as I was told his stomach was white and not perfusing, she referred to this as my knee-jerk decision, which was quite insensitive.

Our complaint with Brandy is that she should have turned this over to someone in higher authority and chosen not to continue with the lie. She had the option to tell the truth just as Kathryn McAdams did.

We would like this practice reviewed and penalized if at all possible. We would like help in having our money refunded in full.

Michael and Sharon Coon

[REDACTED]

[REDACTED]

[REDACTED] – Michael

[REDACTED] – Sharon

Email: [REDACTED]

Email: [REDACTED]

January 8, 2020

Attn: Alonzo Alcaraz

My wife and I are appalled that we are being asked to recap the events that led to our dog, Daegan's death. Blue Pearl Peoria knows exactly what took place and this has been discussed several times over with Aston, the medical director. It has already been almost one month and this still remains unresolved after multiple phone calls and commitments to resolution.

Here is the sequence of events:

On 12/12/19 we brought our beloved dog, Daegan in for what we knew to be a gastric torsion. We knew time was of the essence as this was an **EMERGENT** situation with the very real possibility of a positive outcome, as we could narrow down when this torsion could have occurred. We rushed him to Blue Pearl on 99th Ave and Peoria. We paid, the first swipe of our credit card @ 7:56 PM, \$550.00. Dr (?) McAdam met us in a room, and before she did anything, discussed if this was even a realistic option for us as this would cost approximately \$5500.00. We asked her to proceed. She then took an X-Ray to confirm that it was, in fact, a gastric torsion. She decompressed his abdomen to make him more comfortable. She then suggested that we do a chest X-Ray, as Daegan was older and it was not uncommon for older dogs to have cancer present and this could possibly make us re-think our expensive decision. We had her proceed – another swipe of the credit card @ 8:16 pm for \$681.75. No cancer was present – so we asked her to proceed. My wife asked Dr.(?) McAdam if she would be performing the surgery, and she said no that she had to tend to the animals coming thru the door, but Dr. So and so (cannot recall name but she made a "he" reference) would be performing this surgery. My wife asked her – "Would you trust this Dr, with your dog's life?" She replied – yes, I would.

THIS WAS THE FIRST OPPORTUNITY TO TELL THE TRUTH – THAT THERE WAS NO SURGEON PRESENT IN THE BUILDING – BUT THAT DID NOT HAPPEN.

They had Daegan in a back room, and my wife asked if they could bring him out so she could kiss him goodbye. They did and she kissed her sweet dog goodbye, not knowing it would be the last time she would see him. The third swipe of the credit card was for \$5379.53 @ 8:46 pm, now totaling \$6,611.28. Our paperwork was marked with the time of 8:37 pm, which appears to be the time all of the paperwork was finalized. We are now almost an hour into this EMERGENT situation.

What was done during this hour – he had relevant blood work, X-rays to confirm gastric torsion which she showed us, his stomach was then decompressed with a trocar, an additional X-Ray to confirm no cancer in his chest. Fine – he should now be headed to surgery. This was our impression.

12/12/19 @9:51 pm – My wife had asked the receptionist if we should stay, and the receptionist said no that she would phone us when Daegan was brought in for surgery. We left Blue Pearl and headed home to wait for the call.

12/12/19 @11:46 pm – I called Blue Pearl as this time was now disturbing to me. Please know that I am an RN, and am well aware how emergent situations are processed and prioritized. I thought that maybe he was already in surgery and the receptionist got busy and forgot to call. THIS WAS NOT THE CASE - DAEGAN HAD STILL NOT GONE INTO SURGERY. I asked what was going on – and was told he was being prepped and stabilized.

HERE IS THE SECOND OPPORTUNITY TO TELL THE TRUTH – BUT THAT DID NOT HAPPEN HERE EITHER – THERE WAS NO SURGEON IN THE BUILDING. PREPPING AND STABILIZING TAKES 15 MINUTES – WE ARE NOW @ ALMOST 4 HOURS SINCE WE WALKED THROUGH THE DOOR.

12/13/19 @ 12:07 am – The clinic called to say that Daegan was being intubated and going into surgery. I was extremely upset at this point.

12/13/19 @ 12:40 am – Dr (?) McAdam called us and said that Daegan's stomach was white and not perfusing. She asked if we wanted her to proceed. This was a futile question, as she knew as well as I did that the organ had clearly lost its blood supply and was dead. I was livid at this point. I asked her what did you expect after 4 hours and what took so long?? She was silent and then said we need to review our process. I told her I would call her right back so I could discuss with my wife, who is not an RN, and needed for me to explain all before committing to euthanizing Daegan.

HERE IS A THIRD OPPORTUNITY TO TELL THE TRUTH – THAT THEY WERE WAITING FOR A SURGEON – NOT PREPPING AND STABILIZING AND THAT'S WHY DAEGAN'S STOMACH WAS DEAD.

12/13/19 @ 12:51 am

I called her back and told her to euthanize him as I was not going to torture our sweet dog with pain and suffering as there was no chance of survival. Why she would even ask me that was beyond any thought process that I have. She then put me on speaker as she needed a witness to this decision. This quick decision made by my wife and myself was later referred to as a "knee jerk" decision by Brandy (vet tech) the following day.

12/13/19 AM –

The following morning, I called Blue Pearl and asked to speak to the medical director. I was given Brandy and informed that the medical director was not available. I asked to speak with a vet – was told there was no vet available either. She said she had reviewed the file – (wonder why) and was adjusting our bill and credited us back \$2357.78 for services not performed.

At this particular moment, I said that was fine, but I want some answers as to what happened and why it took 4 hours for an EMERGENT situation. Again, I was told prepping and stabilizing and she kept trimming the time down to 2-3 hours. Mind you, we have the credit card receipts from the machine at the clinic and phone calls that we all know are documented on our phone bills that document this time. I said that I do not buy that – I deal with humans and it does not take 3-4 hours to prep and stabilize. He was stable when we left and prep is 20 minutes at best – NOT 3-4 hours. So, I want an explanation and a timeline. This was not provided by Brandy, she was resolved in her fabricated storyline.

THIS WAS THE FOURTH OPPORTUNITY TO TELL THE TRUTH THAT THERE WAS NO SURGEON ON STAFF AT THE TIME WE BROUGHT DAEGAN IN.

12/16/19 –

I called Blue Pearl and left a message for the medical director to call me.

Aston returned my call. She asked us why we didn't wait. I said why would we wait - we were told to go home – but now in hindsight it makes sense why they told us to go home – probably so we would not hear them calling around for a surgeon. We were told to go home, my wife even asked if we should wait. We were under the distinct impression that he would be going in for surgery and they would call us. Aston stated that there was not a surgeon on site. She thought we knew that. If there wasn't a surgeon available we would not have left ever him - but no one in your facility told us that vital piece of information. Had we been told that, odds are that Daegan would be alive today. There are several other emergency clinics in town, within 20 minutes of our home. We just paid \$6600 – obviously saving our dog was an extreme priority for us. We were not given this information, and would not have left him to wait and die. We should have been given this information and left to make a decision for ourselves, but instead thru greed and malpractice – you chose not to reveal this vital piece of information and as a result our pet paid the ultimate price.

What should have happened:

When we walked thru the doors with this EMERGENT situation, we should have been told immediately that they would have to locate a surgeon, and that it could take hours. Imagine an Emergency Veterinary Clinic with no access to a surgeon for 4 hours – unbelievable. What would the media think of this?

We should have been triaged to another facility. For God's sake – we could have driven to Tucson in less than 2 hours if we had to – but again, your facility collected money and were not prepared to perform the necessary surgery required.

Aston also told us that she would help us to get this resolved and here we are regurgitating this horrific story. Blue Pearl's records clearly show what happened – Aston the medical director knows what happened – I am at a loss as to why this most painful experience needs to be relived by the people hurt by it.

We have not disputed the bill with our credit card company and it is now collecting interest. We do dispute this bill. Blue Pearl killed our dog in an inhumane way, placing all the importance on collecting their fees with very little attention to this animals medical needs. As per Alonzo, Insurance now says it will be another 30 days for resolution upon receipt of our story. Is this to see how much we know, don't know, or how holes can be poked in it?

I asked Aston to call my wife to apologize for killing her dog. Aston did call and offered her condolences, and said she would make sure this did not happen again – and would get this situation resolved. She was in tears. Aston and Brandy personally delivered Daegan's cremated remains with a very large floral arrangement. Is this the response all of your veterinary patients receive? I think it is the response of someone doing damage control. Not that they were not nice, but this is not every day treatment.

We want our money back in full and compensation for this horrific act of malpractice, deceit and greed. We would also like to see what you have done to assure this will never happen to some other family and their beloved pet. Our sweet Daegan did not have a prayer of survival once we walked thru Blue Pearl's doors. Your advertisement is false. Please take note of the surgical references made. This first clip is located at bluepearlpetemergency.com, and the second, when you click the BluePearl – Peoria location.

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We expect and would appreciate some sort of urgency with regards to resolution.

Michael and Sharon Coon



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Internal Medicine

2/27/2020

Re: 20-75, Daegan Coon

To Whom It May Concern,

I was not on the premises of the Blue Pearl Emergency Hospital in Peoria on the evening of 12/12/2019 when Daegan Coon received care. I was not directly involved with his medical care. I am the premise license holder for the Peoria BluePearl location. I was made aware that Mr. Coon was upset about the care Daegan received while at the BluePearl Peoria location.

Upon investigation of this case, it was felt that the treatment for Daegan was performed in accordance with hospital practices and procedures. The local hospital management (Astin Deem, Sandy Landry and Brandeice Garza) attempted to communicate with Mr. Coon on 12/17/2019. Mr. Coon did not answer the phone when the management team called although he had previously been informed of the date and time frame for the communication. The goal of the call was to address the owner's concerns regarding Daegan's treatment. Communications with Mr. Coon, were noted to be difficult because he responded in an aggressive and hostile manner.

The practice manager, Astin Deem, was contacted by the Customer Experience Department of Blue Pearl in Tampa in the afternoon on 12/17/19. Astin was informed that Mr. Coon had contacted them to discuss his concerns and that a case was opened with PLIT. Astin Deem and Brandi Garza went above and beyond to express our (BP Peoria's) condolences on the following day, 12/18/2019, when they offered to deliver the ashes and clay paw print to the owner. Mr. Coon was appreciative and accepted the offer. From that point, no additional attempts to contact Mr. Coon were made by employees of BluePearl Peoria, Arizona location.

Sincerely,
Sandy Landry DVM
ER Service Head
BluePearl Peoria

AVONDALE
13034 W Rancho Santa Fe Ste 101
Avondale AZ 85392
Phone 623.385.4555
Fax 623.385.4556

PEORIA
9875 W Peoria Ave
Peoria AZ 85345
Phone 623.974.1520
Fax 623.974.7738

PHOENIX
3110 E Indian School Rd
Phoenix AZ 85016
Phone 602.995.3757
Fax 602.589.6285

SCOTTSDALE
22595 N Scottsdale Rd Ste 110
Scottsdale AZ 85255
Phone 480.949.8001
Fax 480.481.0036

bluepearlvet.com

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- GOVERNOR -



VICTORIA WHITMORE
- EXECUTIVE DIRECTOR -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS STREET, STE. 4600, PHOENIX, ARIZONA 85007

PHONE (602) 364-1-PET (1738) ♦ FAX (602) 364-1039

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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: PM Investigative Committee: Adam Almaraz - Chair
Amrit Rai, DVM
Cameron Dow, DVM
William Hamilton
Brian Sidaway, DVM

STAFF PRESENT: Tracy A. Riendeau, CVT – Investigations
Mark Harris, Assistant Attorney General

RE: Case: 20-75
Complainant(s): Michael and Sharon Coon
Respondent(s): Sandy Landry, DVM (License: 3756)

SUMMARY:

Complaint Received at Board Office: 2/13/20
Committee Discussion: 7/7/20
Board IIR: 8/19/20

APPLICABLE STATUTES AND RULES:

Laws as Amended August 2018
(Lime Green); Rules as Revised
September 2013 (Yellow)

On December 12, 2019, "Daegan," a 9-year-old male Doberman Pinscher was presented to Dr. McAdam due to suspected gastric dilation and volvulus (GDV). Diagnostics were performed and GDV was confirmed. Complainants approved the recommended surgery.

A surgeon was called in to perform surgery on the dog. Once inside the abdomen, there were concerns the stomach tissue was not viable. Complainants elected to humanely euthanize the dog.

Complainants expressed concerns that they were not made aware that a surgeon was not on premises, delaying the surgery and decreasing the success rate of the surgery.

Respondent is the responsible veterinarian for the premises.

Complainants was noticed and appeared telephonically.

Respondent was noticed and was available. Attorney David Stoll appeared.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: *Michael and Sharon Coon*
- Respondent(s) narrative/medical record: *Sandy Landry, DVM*

PROPOSED 'FINDINGS of FACT':

1. On December 12, 2019, between 8:00pm – 8:37pm, the dog was presented to Respondent's premises due to vomiting and possible bloat. The dog was taken immediately to the back by technical staff member, Camryn Ostrander, after obtaining a brief history from Complainants. Upon exam by Dr. McAdam, the dog had a weight = 48.6kg, a pulse rate = 120bpm, and a respiration rate = 78rpm; CRT = 2 – 4 seconds, mucous membranes were pink, and no temperature was noted. The dog was distressed and dry heaving, was in pain, was tachycardic and had a distended, tympanic abdomen. The dog had a BCS = 7/9 and had lipomas over his trunk, limbs and abdomen.

2. According to Dr. McAdam, she discussed her findings with Complainants and that she suspected gastric dilation and volvulus (GDV). She explained that the diagnosis was a surgical emergency, the costs and potential complications. Complainants wanted to proceed and gave a deposit allowing Dr. McAdam to start diagnostics and treatment (credit card receipt for deposit is time stamped – 19:56)

3. A right lateral abdominal radiograph was performed confirming GDV (Dr. McAdam states the radiographs were taken at 8:55pm). The dog was started on 1 liter bolus of Lactated Ringer's Solution IV while Dr. McAdam spoke with Complainants. She recommended performing additional radiographs to look for neoplasia as well as blood work. Complainants agreed, an estimate was generated and approved. Another payment was made per credit card receipt at 20:16.

4. Dr. McAdam trocharized the dog with a 14 gauge IV catheter after his left lateral abdomen was shaved and prepped. After trocharization the dog's abdomen was less distended and his breathing improved. Blood work and radiographs of the abdomen and thorax were performed – these diagnostics were performed between 9:13pm – 9:38pm. After reviewing the blood work and radiographs, Dr. McAdam reported to Complainants that there was no evidence of cancer and felt the dog was a surgical candidate. An estimate was created for surgery and post-op care; Complainants approved and their credit card was ran at 20:46 according to the receipt.

5. According to Dr. McAdam, while radiographs were being taken on the dog, she was trying to locate someone to perform surgery on the dog. Dr. McAdam's associate, Dr. Corrao, texted Dr. Majoue at 9:27pm to see if she was available to perform a GDV surgery; she was available and immediately left her home.

6. Dr. McAdam advised Complainants that she would not be the one performing the surgery. However, Complainants state that they were unaware the surgeon was not on the premises. Dr. Majoue was made aware that the pet owners approved surgery and she called Dr. Corrao to have her prepare the anesthetic protocol.

7. At approximately 10:30pm, Dr. Majoue arrived at the premises. She reviewed the diagnostics and therapies performed with Dr. McAdams – she then examined the dog. The dog appeared stable but had a distended abdomen. Dr. Majoue familiarized herself with surgery room and found additional instruments she wanted to use. She reviewed and approved the anesthetic protocol. Dr. Majoue had technical staff fill medications while she and Dr. Corrao shaved the dog's fur in preparation for surgery. While preparing the dog for surgery, the dog passed diarrhea three separate times. This required the dog to be cleaned as well as the surgery room floor to be cleaned and mopped.

8. At approximately 11:40pm, the dog was induced and prepped for surgery. After entering the abdomen, Dr. Majoue decompressed the stomach using a 16 gauge IV catheter inserted through the body of the stomach. She was then able to derotate the stomach some, but not all the way. Technical staff passed an orogastric tube and was able to remove some gas and stomach contents but then the tube became clogged. The tube was removed and Dr. Majoue was able to completely derotate the stomach after that. The stomach was externalized and Dr. Majoue noticed an area of very thin white tissue that made up an estimated 10cm x 3cm portion of the fundus of the stomach wall extending to the esophagus. It was surrounded by a large area of very dark purple tissue that took up most of the fundus of the stomach and appeared to extend to involve the esophageal region of the stomach. Dr. Majoue returned the stomach to a more normal position to see if it would return to a more normal color or develop peristalsis. The orogastric tube was reinserted and they were able to completely empty the stomach. The stomach color and thin feeling had not improved. Dr. Majoue cut partial thickness into the white and purple portions of the stomach. The incisions did not bleed adequately and no peristalsis was noted.

9. Dr. Majoue, Dr. Corrao and Dr. McAdams agreed that the stomach's white and purple tissue did not look viable and that they would need to surgically resect the abnormal portions of the stomach, which would be challenging due to the involvement of the area near the esophagus and vessels along the greater curvature of the stomach.

10. At 12:40am, Dr. McAdam called Complainants to relay the findings and concern about the viability of the stomach. She asked if they would like to proceed with the surgery and offered for Complainants to take a few minutes to think about what they wanted to do. At this time, Complainants expressed concern regarding the time it had taken to get the dog into surgery.

11. Approximately 5 – 10 minutes later Complainants called back and requested the dog be humanely euthanized; this was witnessed by technical staff. Complainants again expressed concern about the time it took to get the dog into surgery.

12. The dog was humanely euthanized on the surgery table with 17mLs fatal plus IV.

13. On December 13, 2019, the Technician Manager, CVT Brandeice Garza, heard from Dr. McAdam about the difficult case the previous evening, referring to the dog and it's GDV. The Practice Manager was out of town, therefore when Mr. Coon called CVT Garza took the call to listen to the concerns and pass the information onto the Emergency Service Head, Sandy Landry, DVM, and Practice Manager. Mr. Coon expressed concerns that it took four hours to get the dog into surgery. CVT Garza communicated her sympathies and walked through the

timeline of the dog's care from presentation to surgery with the pet owner. She relayed that it took three hours and 12 minutes, which was within the normal standard of care. Mr. Coon did not agree with her assessment therefore CVT Garza advised that Dr. Landry would discuss his concerns further with the pet owner – Mr. Coon agreed.

14. CVT Garza next went over with Mr. Coon how to care for the dog's remains; he elected private cremation. She also advised Mr. Coon that she had audited the charges and they would be getting a refund for any services that had been estimated but not performed. Mr. Coon thanked CVT Garza and she transferred the call to reception to process the refund.

15. On December 16, 2019, Mr. Coon spoke with practice manager, Astin Deem. According to Mr. Coon, it was at this time that he was made aware that there was not a surgeon on the premises to perform surgery on the dog. He stated that if they had known that, they would have taken the dog elsewhere for care.

16. On December 17, 2019, arrangements had been made to call Complainants to discuss their concerns with Dr. Landry, Ms. Deem and CVT Garza. Complainants did not answer when they called.

17. On December 18, 2019, Ms. Deem and CVT Garza delivered the dog's cremations, clay paw print and a floral arrangement to Complainants.

COMMITTEE DISCUSSION:

The Committee discussed that there probably could be some operating policies and procedures that could be improved upon. Dr. Landry did not have any involvement in the case however.

The Committee expressed concerns that it took 1.5 hours to get the dog to surgery once the surgeon arrived. They did not feel a hospital policy or procedure could have prevented that depending on what was transpiring during that time. If the dog was passing diarrhea multiple times and needed to be cleaned up, a hospital policy would not have changed that from happening. Things can happen that are beyond our control.

The Committee commented that GDV is the one true emergency that would warrant a standard operating procedure as the condition demands immediate surgical intervention. This case seemed a bit haphazard with the rush to get a surgeon to a premises that advertises surgical procedures.

The Committee struggled with finding a violation with respect to Dr. Landry as the premises license holder.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that possible violations of the *Veterinary Practice Act* occurred.

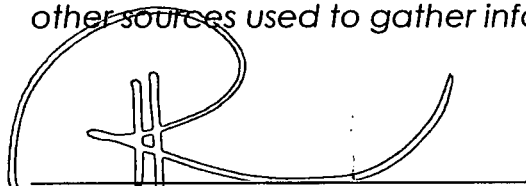
COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board find:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 5 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

A handwritten signature in black ink, appearing to read 'Tracy A. Riendeau', written over a horizontal line.

Tracy A. Riendeau, CVT
Investigative Division